

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAMANTHA PETTINGILL, JULIE
PETTINGILL, GENE PETTINGILL, JULIE
PETTINGILL, as guardian *ad litem* for C. P.
and T. P., minors, and SOCIETY FOR PET
ADOPTION, RESCUE, AND EDUCATION,
INC., a Delaware nonprofit corporation,

Plaintiffs,

v.

JOHN CALDWELL, in his official and
individual capacities, JOHN SAVILLE, in his
official and individual capacities,
DELAWARE SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS, a Delaware corporation

Defendants.

C.A. No. 05-224 SLR

JURY TRIAL DEMANDED

**STIPULATION AND PROTECTIVE ORDER GOVERNING THE CONFIDENTIALITY
OF PLAINTIFFS' MEDICAL AND PSYCHOLOGICAL RECORDS**

WHEREAS, Defendants have requested that Plaintiffs execute medical authorizations to allow Defendants to obtain medical and psychological records;

WHEREAS, the parties have agreed to protect the confidentiality of any records obtained with said medical authorizations or produced by Plaintiffs.

IT IS HEREBY STIPULATED by and between the undersigned counsel on behalf of the respective parties, subject to approval of the Court, that any and all medical and/or psychological of the Plaintiffs obtained by or produced to the Defendants shall be governed as follows:

1. All medical and/or psychological records of the Plaintiffs obtained by or produced to the Defendants shall be treated as confidential and may be disclosed only to the following:

a. The Court and/or Court personnel;

b. Counsel of record and employees of counsel of record's office;

c. John Caldwell;

d. John Saville;

e. Vonda Kay, provided she first executes the attached affidavit and delivers it to Plaintiffs' counsel at least 5 days prior to receiving Plaintiffs' medical or psychological records;

f. Experts specially retained by Defendants for purposes of this action, provided said expert first executes the attached affidavit and delivers it to Plaintiffs' counsel at least 5 days prior to receiving Plaintiffs' medical or psychological records; and

2. Each person listed in paragraphs 1.b. through 1.f. is prohibited from disclosing Plaintiffs' medical or psychological records to any person other than those included in paragraph 1. Each person listed in paragraphs 1.b. through 1.f. shall use Plaintiffs' medical or psychological records only for purposes of litigating this case. Each person who receives Plaintiffs' medical or psychological shall take all reasonable efforts to safeguard the records and to prevent disclosure to those not identified in paragraph 1.

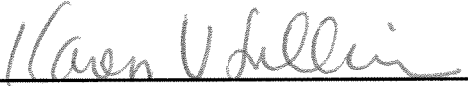

3. All discovery, including all documents, answers to interrogatories and transcripts, whether or not filed with the Court, that contains or makes reference to Plaintiffs' medical or psychological records shall be deemed confidential and subject to the restraints of this stipulated order up to the time of trial.

4. If filed with the Court, Plaintiffs' medical or psychological records, or any other document or answers to interrogatories or transcripts that contains or makes reference to

Plaintiffs' medical or psychological records shall be filed under seal with a legend that identifies this stipulated order.

5. Within 40 days after the conclusion of this litigation, John Caldwell, John Saville, Vonda Kay and any expert to whom Plaintiffs' medical or psychological records were disclosed shall provide to Plaintiffs' counsel an affidavit indicating either that it has returned to Plaintiffs' counsel any and all copies of Plaintiffs' medical or psychological records or any other document or answers to interrogatories or transcripts that contains or makes reference to Plaintiffs' medical or psychological records or that it has destroyed said records and documents.

6. Any violation of this stipulated order shall be punishable as contempt of Court.

<p>OBERLY, JENNINGS & RHODUNDA, P.A.</p>  <p>Charles M. Oberly, III (No. 743) Karen V. Sullivan (No. 3872) 1220 Market Street, Suite 710 P.O. Box 2054 Wilmington, DE 19899 (302) 576-2000 – Telephone (302) 576-2004 – Facsimile</p> <p>Attorneys for Plaintiffs</p>	<p>HECKLER & FRABIZZIO, P.A.</p>  <p>Daniel P. Bennett (No. 2842) 800 Delaware Avenue, Suite 200 Wilmington, DE 19801 (302) 573-4800 – Telephone (302) 573-4806 – Facsimile</p> <p>Attorneys for Defendants</p>
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It is **SO ORDERED** this ____ day of _____, 2006.

United States District Judge